

conference may consider and take action with respect to:

- (1) The formulation and simplification of the issues;
  - (2) The possibility of obtaining stipulations, admissions of fact and of documents that will avoid unnecessary proof and advance rulings from the Judge on the admissibility of evidence;
  - (3) The exchange of exhibits and the names of witnesses and a synopsis of the testimony expected from each witness;
  - (4) The necessity or desirability of amendments to the pleadings and the joinder of parties;
  - (5) The possibility of agreement disposing of any or all of the issues in dispute;
  - (6) Such other matters as may aid in the expedition of the hearing or the disposition of the case.
- (b) The Judge may also require the parties to submit prehearing statements addressing one or more of the matters set forth in paragraph (a) of this section.

**§ 2700.54 Notice of hearing.**

Except in expedited proceedings, written notice of the time, place, and nature of the hearing, the legal authority under which the hearing is to be held, and the matters of fact and law asserted shall be given to all parties at least 20 days before the date set for hearing. The notice shall be mailed by certified or registered mail, return receipt requested.

**§ 2700.55 Powers of Judges.**

Subject to these rules, a Judge is empowered to:

- (a) Administer oaths and affirmations;
- (b) Issue subpoenas authorized by law;
- (c) Rule on offers of proof and receive relevant evidence;
- (d) Order depositions to be taken;
- (e) Regulate the course of the hearing;
- (f) Hold conferences for the settlement or simplification of the issues;
- (g) Dispose of procedural requests or similar matters;
- (h) Make decisions in the proceedings before him, provided that he shall not

be assigned to make a recommended decision; and

- (i) Take other action authorized by these rules, by 5 U.S.C. 556, or by the Act.

**§ 2700.56 Discovery; general.**

(a) *Discovery methods.* Parties may obtain discovery by one or more of the following methods: Depositions upon oral examination or written questions; written interrogatories; or requests for admissions, for production of documents or objects or for permission to enter upon property for inspecting, copying, photographing, and gathering information.

(b) *Scope of discovery.* Parties may obtain discovery of any relevant, non-privileged matter that is admissible evidence or appears likely to lead to the discovery of admissible evidence.

(c) *Limitation of discovery.* Upon motion by a party or by the person from whom discovery is sought or upon his own motion, a Judge may, for good cause shown, limit discovery to prevent undue delay or to protect a party or person from oppression or undue burden or expense.

(d) *Initiation of discovery.* Discovery may be initiated after an answer to a notice of contest, an answer to a petition for assessment of penalty, or an answer to a complaint under section 105(c) or 111 of the Act has been filed. 30 U.S.C. 815(c) and 821.

(e) *Completion of discovery.* Discovery shall not unduly delay or otherwise impede disposition of the case, and must be completed at least 20 days prior to the scheduled hearing date. For good cause shown, the Judge may extend or shorten the time for discovery.

[58 FR 12164, Mar. 3, 1993, as amended at 71 FR 44208, Aug. 4, 2006]

**§ 2700.57 Depositions.**

(a) *Generally.* Any party, without leave of the Judge, may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories.

(b) *Orders for deposition.* If the parties are unable to agree, the time, place, and manner of taking depositions shall be governed by order of the Judge.